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SUBJECT: SLOVENIA: UNHCR COUNTRY DIRECTOR MEETS WITH COM

¶11. (U) Summary: On July 21, UNHCR Director for Slovenia Greg Garras met with COM to discuss the state of Slovenian asylum policy at the end of his three and a half year tenure. Garras lamented that Slovenia's asylum policies have continued to regress under the current center-right government - a process which had begun with the previous government just prior to EU accession in May 2004. Garras told COM that Slovenian caseworkers rely excessively on "manifestly unfounded" determinations of asylum status to quickly dismiss applicants without a thorough hearing. Garras also said that asylum and human rights NGOs in Slovenia have a difficult time sustaining themselves since the government gives them little funding and they operate in an environment that is not conducive to private fundraising.

The UNHCR office in Slovenia will close in August 2006, at which point a regional office in Budapest will handle Slovenian asylum issues. End Summary.

GoS Asylum policy "Withering on the Vine"

¶12. (U) On July 21, UNHCR Director Greg Garras paid a farewell courtesy call on COM. Garras told COM that Slovenia's asylum procedures, as currently applied, deny asylum seekers a fair hearing and may contravene both EU regulations and international standards. Garras noted that the GoS had made significant progress towards building a fair and effective asylum system prior to EU accession but that its efforts dropped off precipitously after Slovenia joined the EU in May 2004. Because the current system is under funded and lacks personnel, there is pressure on caseworkers to process claims quickly and to give applicants a cursory hearing.

¶13. (U) Garras told COM that an April 2005 Supreme Court decision upholding a determination based on the "manifestly unfounded" clause of international asylum law has led the GoS to dramatically increase the number of applications rejected on this basis, creating opportunities for abuse. Though the accelerated "manifestly unfounded" procedure is a legitimate part of asylum policy when implemented with the appropriate safeguards, the potential for abuse is great when these safeguards are circumvented. Garras told us that from 2003 to 2004, the number of cases rejected using the accelerated "manifestly unfounded" procedure jumped from 42 (4 percent) to 245 (21 percent). Garras was concerned that since most asylum seekers transit through Slovenia to other EU destinations, hasty denials based on perfunctory hearings could not only preclude legitimate asylum seekers from staying in Slovenia, but also prevent them from being able to seek further review elsewhere within the EU. Garras told us UNHCR had tried to impress upon the GoS that asylum caseworkers needed to thoroughly investigate and exhaust all potentially legitimate bases for asylum before making a "manifestly unfounded" determination, but that his protests had "fallen on deaf ears."

¶14. (U) Garras also said that asylum caseworkers paid insufficient attention to identifying victims of human trafficking and that a UNHCR-funded project to inform asylum applicants of their rights to legal counsel and appeal had recently been curtailed by the GoS, ostensibly because of limited personnel.

¶15. (U) In a separate development on June 20, Slovenia's Human Rights Ombudsman, Matjaz Hanzek, issued a statement claiming it was illegal for the GoS to require asylum-seekers to sign a statement renouncing their claims once they leave the premises of Slovenia's asylum center. He said that such signed statements interfered with asylum seekers' freedom of movement and criticized the fact that such waivers were presented to asylum seekers only in Slovene. Director of the Migration Department at the Ministry of Interior Matjaz Dolzan defended the practice stating that it seeks to prevent abuse of the asylum system.

NGO Affairs in Slovenia

16. (U) Garras told COM that asylum and human rights NGOs have struggled to find funding in Slovenia and that the GoS has been slow to implement a framework that would make more money available. Most asylum-related NGOs do not receive funding from sources other than UNHCR. Although an EU fund for asylum issues exists, the government channels this funding towards its own asylum programs and rarely uses it for NGO development. To this end, UNHCR plans to organize workshops for local NGOs on private sector fundraising. The UNHCR's Asylum Law Legal Clinic designed to train asylum adjudicators has met with greater success. The program seeks to addresses

some of the main problems facing asylum caseworkers, including lack of adequate training and professional ethics due to high burn-out and turnover rates, low pay, and a general lack of experts on asylum issues.

UNHCR,s Slovenia Office to Close in August 2006

17. (U) Garras told us UNHCR,s Slovenia office will close permanently in August 2006. After this time, Slovenian asylum issues will be addressed from the regional office in Budapest, which also handles asylum issues in Hungary, Slovakia, and Poland.

Comment

18. (SBU) The GOS, backsliding on asylum issues is disappointing. The misuse and potential abuse of the accelerated asylum procedure seriously undermines the integrity of the asylum system, which on paper is a model system. The problem does not lie in "manifestly unfounded" determinations per se, nor does it lie with Slovenia's legal framework for asylum processing, but rather with the allegedly improper implementation of asylum procedures. There is hope that UNHCR,s vocal protests may have had an effect, however, since Garras told us after our initial meeting that a subsequent meeting with Interior Ministry State Secretary Bojan Trnovsek resulted in an expression of much greater willingness to address UNHCR,s concerns. With the closure of the UNHCR,s Ljubljana office, post will coordinate closely with the regional UNHCR director in Budapest to continue to monitor Slovenia,s asylum process, and will continue to press the GoS to bring its practices in line with UNHCR standards.

19. (SBU) COMMENT CONTINUED. The potential misuse of asylum policy is part of a broader pattern of behavior demonstrating Slovenia's insularity and perhaps also a vulnerability about its national identity as a small nation. Given the persistent hand-wringing in the press and at the highest levels of the GoS about the country's dwindling birth rate, it might otherwise appear as if Slovenia's restrictive asylum and immigration policies were counterintuitive. It is telling that most asylum seekers in Slovenia are in transit to other destinations and that Slovenia has a reputation for being a difficult place for foreigners to integrate. Although there is some evidence that increased travel opportunities and student exchange programs are diminishing the fear of the "outsider," at least within the younger generation, even younger Slovenes tend to cringe whenever the subject of opening their borders is broached. END COMMENT.
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